

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTOR SMITH,

Plaintiff,

v.

No. 19-cv-00741 SMV

**UNIVERSITY OF NEW MEXICO,
UNIVERSITY OF NEW MEXICO POLICE
DEPARTMENT, TIM MAY, NASHA TORREZ,
PATRICIA YOUNG, and CAITLIN HENKE,**

Defendants.¹

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court sua sponte. Plaintiff filed a civil-rights complaint on September 19, 2018. *See Smith v. May*, No. 18-cv-0881 KG/SCY, [Doc. 1]. On November 13, 2018, the Court dismissed the case without prejudice for failure to state a claim and entered its final judgment. No. 18-cv-0881 KG/SCY, [Docs. 5, 6]. On May 14, 2019, and August 12, 2019, Plaintiff filed a new civil-rights complaint in *Smith v. May*. No. 18-cv-0881 KG/SCY, [Docs. 7, 8]. Because *Smith v. May* has been dismissed, Plaintiff should have initiated a new case with his new civil-rights complaint. The Clerk of Court has opened this new case, *Smith v. University of New Mexico*, No. 19-cv-0741 SMV, and filed the new civil-rights Complaint in this case. *See* [Doc. 1].

¹ Plaintiff does not list Defendants Young and Henke in the caption of his Complaint, but because he lists them as Defendants later in the Complaint, it appears that he means to sue them as well. *See* [Doc. 1] at 2, 5.

Plaintiff has not paid the \$400 fee² for instituting a civil action or filed an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) in this case. Plaintiff shall have 21 days from entry of this Order to either pay the \$400 fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). Failure to timely pay the fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) may result in dismissal of this case without prejudice. Any papers that Plaintiff files in response to this Order must include the civil cause number (No. 19-cv-0741 SMV) of this case.

IT IS THEREFORE ORDERED that, no later than **September 5, 2019**, Plaintiff must either pay the \$400 fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

IT IS FURTHER ORDERED that the Clerk shall mail to Plaintiff, together with a copy of this Order, an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

² The fee for instituting any civil action, suit or proceeding is comprised of a \$350 filing fee, *see* 28 U.S.C. § 1914 (2018), and a \$50 administrative fee.